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FILED
LOS ANGELES SUPERIOR COURT

ENTERED MAR 06 2003

SUSTAIN
JOHN A. CLARKE, CLERK
Chand
BY C. HEARD, DEPUTY

Attorneys for Petitioner

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

In the Matter of

THE JAY AND LYNNE E.
LIVINGSTON FAMILY TRUST
OF 1985

No. SP 005438

ORDER APPROVING:

FIRST AND FINAL ACCOUNT AND
REPORT OF RESIGNING TRUSTEE;

PETITION TO MODIFY TRUST DUE
TO CHANGED CIRCUMSTANCES;

PETITION FOR CONSTRUCTION;

PETITION FOR ORDER THAT TRUST
HAS NO INTEREST IN PROPERTY
CLAIMED BY ANOTHER

Date: 12/6/02

Time: 9:15 a.m.

Dept: F

The FIRST AND FINAL ACCOUNT AND REPORT OF RESIGNING
TRUSTEE; PETITION TO MODIFY TRUST DUE TO CHANGED CIRCUMSTANCES;
PETITION FOR CONSTRUCTION; PETITION FOR ORDER THAT TRUST HAS NO
INTEREST IN PROPERTY CLAIMED BY ANOTHER of GARY KRESS as Trustee of THE
JAY AND LYNNE E. LIVINGSTON FAMILY TRUST OF 1985 came on regularly for hearing
on December 6, 2002 at 9:15 a.m. in Department F of the above-entitled Court, the Honorable
GERALD ROSENBERG, Judge. ELIZABETH T. PIERSON of Hoffman Sabban &

-1-

ORDER ON FIRST AND FINAL ACCOUNT AND REPORT

SP 005438

1 Watenmaker appeared on behalf of GARY KRESS, the Trustee, who was present in Court, and
2 DAVID WEINSTEIN of Weinstein, Boldt, Halfhide & Camel, appeared on behalf of one of the
3 beneficiaries, TRAVILYN LIVINGSTON.

4 The Court, after hearing all of the evidence and finding that all notices of said hearing have
5 been given as required by law, that all of the allegations of the petition are true, orders as follows:

6 IT IS ORDERED, ADJUDGED AND DECREED:

7 1. Petitioner's First and Final Account and Report of Resigning Trustee is approved
8 as filed;

9 2. Petitioner is authorized to terminate the RESIDUAL TRUST, subject to a reserve
10 for income taxes and property taxes;

11 3. Petitioner's payment of Trustee fees to Petitioner in the amount of \$143,550.00
12 for services through July 17, 2002 is approved;

13 4. Petitioner's payment of Trustee fees to Petitioner in the amount of \$5,000 a month
14 from July 17, 2002 through the transfer of administration of the trust from Petitioner to his
15 successor is approved;

16 5. Petitioner's payment of attorney's fees to HOFFMAN SABBAN &
17 WATENMAKER in the amount of \$99,429.93 for services during the period of the account and
18 further fees of \$35,506 for services from July 18, 2002 through August 21, 2002, as described in
19 the fee declaration, is approved;

20 6. Petitioner's payment of attorney's fees to GREENWALD, PAULEY, FOSTER &
21 MILLER in the amount of \$14,619 during the period of the account is approved;

22 7. Petitioner's payment of attorney's fees to FISHBACH, PERLSTEIN &
23 LIEBERMAN LLP in the amount of \$11,295 during the period of the account is approved;

24 8. LYNNE's MUSIC INTERESTS TRUST, created under the terms of THE JAY
25 AND LYNNE E. LIVINGSTON FAMILY TRUST OF 1985, is modified to provide that 100%
26 of the music royalties received by the Trustee shall be allocated to income, commencing
27 January 1, 2000;

28 9. The SURVIVOR's TRUST, created under the terms of THE JAY AND

1 LYNNE E. LIVINGSTON FAMILY TRUST OF 1985, is modified to clarify that there is no
2 Musical Interests Trustee and that in all instances in which reference is made to the Musical
3 Interests Trustee, the reference is to the trustee that is generally acting as Trustee of the
4 SURVIVOR's TRUST;

5 10. VERA's Trust, created under the terms of THE JAY AND LYNNE E.
6 LIVINGSTON FAMILY TRUST OF 1985, is construed so that it shall terminate at the death of
7 the last to die of VERA DRAZEN, TRAVILYN LIVINGSTON and TAMMY WACHOLTZ,
8 and at that time the Trustee shall distribute VERA's Trust to the then-current income beneficiaries
9 of VERA's Trust, proportionate to each such beneficiary's income interest at that time;

10 11. ALAN's Trust, created under the terms of THE TWELFTH AMENDMENT
11 AND RESTATEMENT OF THE SURVIVOR's TRUST CREATED UNDER THE JAY AND
12 LYNNE E. LIVINGSTON FAMILY TRUST OF 1985, is construed so that it shall not terminate
13 during the lifetime of ALAN LIVINGSTON, CHRISTOPHER LIVINGSTON or RANDY
14 TALMADGE; and

15 12. The FAMILY TRUST holds no publishing royalty interests and no copyright
16 interests and all such interests ever owned by JAY or LYNNE are now owned by Jay Livingston
17 Music, Inc.

18
19 APPROVED AS TO FORM AND CONTENT

20 
21 DAVID WEINSTEIN
22 Attorney for Travilyn Livingston

23 
24 RANDLE DAVIS
25 Attorney for Tammy Wacholtz

26 Dated: MAR 06 2003

27 
28 GERALD ROSENBERG, Judge

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